



State of Connecticut

SENATOR KEVIN C. KELLY
SENATE REPUBLICAN LEADER

21ST DISTRICT

LEGISLATIVE OFFICE BUILDING
300 CAPITOL AVENUE, SUITE 3400
HARTFORD, CONNECTICUT 06106-1591
www.SenatorKevinKelly.com

HARTFORD: (860) 240-8800
TOLL FREE: (800) 842-1421
FAX: (860) 240-8306
Kevin.Kelly@cga.ct.gov

Testimony
Human Services Committee
March 10, 2022
Senator Kevin Kelly
HB 5340, HB 5339, HB 5335

Senator Moore, Representative Abercrombie, Senator Berthel, Representative Case, and members of the Human Services Committee, thank you for raising the following bills and offering the opportunity to submit testimony in support of these proposals:

- Raised H.B. No. 5340 AN ACT CONCERNING EQUITABLE MEDICAID PAYMENTS AND ELIGIBILITY DETERMINATIONS FOR APPLICANTS, RECIPIENTS AND FAMILY CAREGIVERS.
- Raised H.B. No. 5339 AN ACT EXPANDING ACCESS TO THE CONNECTICUT HOME-CARE PROGRAM FOR THE ELDERLY.
- Raised H.B. No. 5335 AN ACT REQUIRING LONG-TERM CARE FACILITIES TO CONDUCT SEX OFFENDER BACKGROUND CHECKS ON STAFF AND RESIDENTS.

Raised H.B. No. 5340 AN ACT CONCERNING EQUITABLE MEDICAID PAYMENTS AND ELIGIBILITY DETERMINATIONS FOR APPLICANTS, RECIPIENTS AND FAMILY CAREGIVERS.

This proposed bill aligns with a proposal I submitted entitled the "Fairness for Families Act" which requires the Department of Social Services to pay family caregivers at the same Medicaid rate as private providers, equalize eligibility and reimbursement formulas for home care and institutional care, and not unfairly punish Medicaid applicants who were unaware of certain assets at the time of their Medicaid applications.

This bill contains three components. It will:

- **Direct the Department of Social Services to set payment rates for family caregivers equal to rates set for non-family professional caregivers when same services are provided.** Under this proposal, DSS shall utilize such rates to determine value of personal care services by a family caregiver to a Medicaid applicant who transferred assets to family caregiver as part of compensation agreement, so that assets given to a family member providing care offset payments from DSS.

- **Authorize retroactive Medicaid coverage for home care if federally permissible.** This bill would require DSS to provide medical assistance payments for Medicaid-eligible home care services retraction up to 3 months before application for Medicaid. This addresses a federal code compliance when an individual would have been eligible if they had applied earlier.
- **Not delay a Medicaid eligibility determination due to an asset discovered after the application or an asset that cannot be liquidated within thirty days.** This bill would extend permissible by federal law, an individual who has applied for Medicaid shall not be determined ineligible solely on the basis of an asset discovered after the date of application, so long as it is reported within 10 days of discovery, begins to be liquidated within thirty days and spent down in accordance with Medicaid income and asset limits, and DSS assists the individual in gaining access to the asset if they need assistance. This addresses a common issue in which families may not be aware of certain assets of a loved one, for example, if a parent with dementia owns a \$10,000 whole life policy and the family member is unaware until an annual premium invoice is received and causes four months of ineligibility at \$60,000.

Raised H.B. No. 5339 AN ACT EXPANDING ACCESS TO THE CONNECTICUT HOME-CARE PROGRAM FOR THE ELDERLY.

This proposal aims to reduce participant costs and expand eligibility for home care services for persons sixty-five years of age or older. The bill expands asset limits for the home-care program to \$40,000 for individuals and \$65,000 for married couples. In addition, it reduces copayments for the elderly to expand access to the state-funded portion of the CT home care program by reducing the percentage of the cost of care a home care recipient must cover.

Aging in place enables people to age in their homes, in their communities, with dignity and surrounded by their loved ones. Given the choice, nearly 90 percent of seniors prefer to live in their own home for as long as they can. Helping seniors and their caregiving families to achieve this goal is a compassionate policy decision, and also one that will save taxpayers money in the long-run. Cost-effective home and community-based services can keep seniors at home, where they prefer to live, and stretch limited state resources.

We must make serious investments to rebalance our long-term care system and remove barriers to receive supportive services and care at home.

Raised H.B. No. 5335 AN ACT REQUIRING LONG-TERM CARE FACILITIES TO CONDUCT SEX OFFENDER BACKGROUND CHECKS ON STAFF AND RESIDENTS.

On May 19, 2021, an alleged terrifying sexual assault occurred at the Fresh River nursing home in East Windsor when a convicted rapist and registered sex offender from Massachusetts with a warrant out for his arrest who was also a resident at the facility allegedly locked a female employee in his room and forced her to perform oral sex.

This case is disturbing and shocking. It is unacceptable. The case resulted in the state Department of Public Health fining the owners of an East Windsor nursing home \$10,000 for failing to protect the safety of their residents and staff when they admitted the 50-year-old registered sex offender from Massachusetts.

But the questions remain, how did this person end up in this nursing home with no notification and apparent background check to alert proper authorities and keep residents and workers safe? How did someone with an outstanding warrant and a convicted sex offender in another state enter this facility with seemingly inappropriate protections in place for residents and staff?

House Bill No. 5335 would require long-term care facilities to conduct sex offender background checks on staff and residents and provide written notice to employees and residents of any registered sex offender.

The goal of this bill is to strengthen protections for residents and workers in nursing homes, and do everything we can to prevent the unacceptable situation that unfolded at the Fresh River case that came to light in East Windsor.